

REMARKS / ARGUMENTS

In complete response to the outstanding Official Action of August 18, 2004, on the above-identified application, reconsideration is respectfully requested. Claims 4-9, 11-14, 19, 23-30, 32-33, and 46 are original. Claims 3, 10, 31, and 52 have been previously presented. Claims 1, 48, and 50 are currently amended. Claims 2, 20-22, 47, 49, and 51 have been cancelled. And claims 15-18, 34-45 have been withdrawn from consideration.

Applicants gratefully acknowledge the Examiner's indication on page 2 of this above-identified Official Action, wherein the Examiner notes that 'Applicant should note that the disclosure originally filed only includes examples of polystyrene-DVB or polyacrylic-DVB resins.' Applicants have amended independent claims 1, 48, and 50 to include this limitation.

Claim Rejections Under 35 U.S.C. § 112

Claims 1, 3-14, 19-21, 23-33, 46, 48, and 50-52 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Independent claims 1, 48, and 50 have been amended to remove the element "other than a membrane", and to include the limitation that the cited resins must be copolymers of divinyl benzene, thus rendering these rejections moot.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 3-14, 19, 23-33, 46, 48, 50, and 52 stand rejected under 35 U.S.C. § 103 as being unpatentable over Haslet '004 in view of Moses '826. Applicant

respectfully contends that claims 1, 3-14, 19, 23-33, 46, 48, 50, and 52 are not unpatentable over Haslet '004 in view of Moses '826.

Claims 1, 48, and 50 have been amended to introduce the limitation previously found in now cancelled claim 20. As this limitation is found in neither Haslett '004 or Moses '826, this amendment renders these rejections moot as applied to these and the claims that are dependent upon them.

Claims 1, 3-14, 19, 20, 23-33, 46, 48, 50, and 52 stand rejected under 35 U.S.C. § 103 as being unpatentable over Crofts et al. '665. Applicant respectfully contends that claims 1, 3-14, 19, 20, 23-33, 46, 48, 50, and 52 are not unpatentable over Crofts et al. '665.

The Examiner notes that "this reference discloses an embodiment wherein the membrane is employed only to retain the ion exchange resin particles in the cartridge (see col. 4, lines 29-33); and in the embodiment, the "purification material" (i.e. the resin particles) is "other than a membrane". Applicants respectfully point out that Croft et al. '665 clearly states that the membrane performs two functions, "First, it acts as a filter preventing foreign particles contaminating the treated peroxide solution and secondly it prevents the resin particles from being retained in the peroxide solution." (*Column 4, Lines 22 through 25*). One of ordinary skill in the art would recognize both of these as acts, which are readily characterized as 'purification' (i.e. preventing foreign particle contamination and preventing resin particle contamination of the peroxide solution).

The skilled artisan reviewing the text that the Examiner cites in Crofts would not find that this section contradicts or negates either of these stated purposes. The text in question states:

“the invention also contemplates a variation thereof in which the resin particles are physically disposed within an enveloping membrane or disposed in the space within a cartridge defined by two membranes and the impervious cartridge sidewall.” (Col. 4, lines 29-33)

In either of these two contemplated variations, the hydrogen peroxide must still pass through the membrane in order to contact the resin. In either of these two contemplated variations, the membrane may prevent foreign particle contamination and/or prevent resin particle contamination of the peroxide solution.

The skilled artisan would find that Crofts et al. '665 discloses and claims a system with two purification materials, a membrane and a resin, both of which are required by this invention. One of skill in the art would find that Crofts et al. '665 neither teaches nor suggests the use of the single purification materials as required by the present invention.

Claim 21 stands rejected under 35 U.S.C. § 103 as being unpatentable over Crofts et al. '665 in view of Casolo '648. Claim 21 has been cancelled, thereby rendering this rejection moot as it applies to this claim.

Claim 51 stands rejected under 35 U.S.C. § 103 as being unpatentable over Haslet '004 and Moses '826, as well as Crofts et al. '665. Claim 51 has been cancelled, thereby rendering these rejections moot as applied to this claim.

CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the examiner believe a telephone call would expedite the prosecution of the application, he is invited to call the undersigned attorney at the number listed below.

Respectfully submitted,

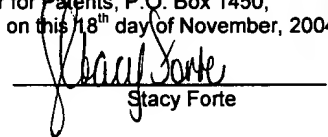


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18th day of November, 2004.


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